

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:

Burst.com, Inc. v.
Microsoft Corp.,

Civil Action No JFM-02-cv-2952

[PROPOSED] ORDER GRANTING MOTION TO COMPEL

Burst's Motion to Compel Microsoft to Search For and Produce Key E-mails, is
GRANTED. Within fifteen days of the entry of this order, Microsoft shall:

1. identify backup tapes that could potentially contain files maintained by any file custodian in the Burst case or by Will Friedman, David del Valle or any other employee identified as a potential custodian of documents relevant to the Burst case who left Microsoft after the May 3, 2000 preservation order entered in MDL 1332;
2. provide Burst with a plan by which to search the identified tapes for responsive materials;
3. add Christopher Carper, Pat Donka, Tom Gershaw, Kip Olson and John Paddleford, to its custodian list for responding to Burst's document requests.

SO ORDERED this ____ day of _____, 2003.

J. Frederick Motz
U.S. District Judge, District of Maryland